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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,992	01/03/2001	Sanjay Khanna	RSW919990130US1	1791

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EXAMINER

CHEN, CHONGSHAN

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/753,992

Applicant(s)

KHANNA ET AL.

Examiner

Chongshan Chen

Art Unit

2172

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-24.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Continuation of 2. NOTE: The proposed claim limitations "each indexing a single copy of data being indexed", "how the second index was traversed for making the first update and how the second index was modified in the first update" and "using the information about how the second index was traversed and modified to efficiently traverse and modify the newly-switched second index" in claim 1, 6, 11 and 16 are not entered because they require further consideration and search.

The applicant's argument regarding claim 17 have been considered but they are not persuasive.

As per claim 17, Gorelik discloses a method of serializing access to data in a computing system, comprising steps of:

maintaining two databases, a first of which is used for searches and a second of which is used for update operations (Gorelik, page 1, Fig. 1, page [0008], page 2, [0023]);

serializing, for each update operation, a record of how the update operation affected the second database (Gorelik, page 1, [0008]);

switching the two databases, responsive to perform each update operation (Gorelik, page 1, [0008]); and

applying the serialized record to the newly-switched second database, such that both the first database and the second databases reflect the update operation (Gorelik, page 1, [0008]-[0010], page 2, [0029]).

Gorelik discloses creating two databases instead of two indexes. Fortier discloses a database management system using two indexes (Fortier, col. 4, line 60 - col. 5, line 23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Fortier with Gorelik because using index and pointer is more efficient.

Gorelik discloses switching after update (Gorelik, Fig. 4A - 4E), but does not explicitly disclose switching after each update. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to switch after each update because after each update, one points to newly updated content, the other points to old incorrect content. If not switching, then query will search the old incorrect content and might return incorrect result. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to switch after each update in order to allow the query to search the newly updated content and retrieve correct result.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., two indexes to the SAME data) are not recited in the rejected claim 17. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Fortier discloses the use of a pointer is more efficient (Fortier, col. 5, lines 20-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Fortier with Gorelik because using index and pointer is more efficient.



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